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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,747	12/10/2003	Joseph E. Kovach	391/US/3	6535

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EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,747

Applicant(s)

KOVACH ET AL.

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domel '852 in view of Peterson et al.

Domel et al discloses a remote control signal generator 31 wherein pushing a single button once sets the shade in motion and by pressing the button again, a stop command is given. Pushing the button yet again resumes operation of the blind, although in the opposite direction than before due to a "flip-flop" 160. See column 15, lines 6-39. This has the disadvantage of not permitting the operator know which direction the device is presently to be moved, up or down and further prevents stopped movement and then a resumption in the same direction. However, Peterson et al discloses that a remote control having up and down buttons is well known. It would have been obvious to provide individual buttons for the remote, as suggested by Peterson et al, to overcome the drawbacks of Domel.

Claims 8-18,20/8-18,21/8-18 and 22/8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresson et al in view of Peterson et al.

Bresson et al disclose a programmable Venetian blind operating device which controls raising, lowering and tilting of the slats. The device is programmable and keeps track of its movement by way of measuring rotation speed. It is clear that the

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device is capable of recognizing it's current position upon a command to change it's status and it would have been obvious to program it to manipulate the shade in any desired manner, i.e. raise, tilt, etc., upon providing a signal. While Bresson does not specifically show an up and down button, such is well known as illustrated by Peterson et al. It would have been obvious to modify Bresson et al to have such a remote control so as to enable desired movement of the shade.

Claims 19,20/19,21/19 and 22/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresson et al in view of Domel et al '852.

Domel, in column 25, lines 42-44, disclose that manual buttons are interchangeable with signals. In view of this teaching, it would have been obvious to modify Bresson et al to have such a manual button so as to reduce the chance of operational failure.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. The remarks concerning claims 1-7 are moot in light of the new grounds of rejection.

The previous rejection under Bresson et al has been changed by the addition of Domel et al. However, Bresson et al does account for the particular position the shade is in based on the monitoring system of the movement of the shade, as discussed above. This also applies to the rejection using Bresson in view of Domel.

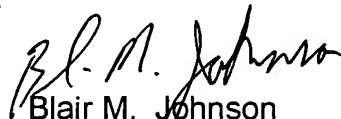
Since the rejection of claims 8-18, etc., has been changed without amendment, this action is not made final.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
2/7/05